

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
240 777-6600

**Case No. A-5740**

**PETITION OF COLLIN CULLEN AND BRENDA CULLEN**

**ORDER EXTENDING TIME FOR WRITTEN DECISION OF THE BOARD**

(Order adopted May 29, 2002)  
(Effective Date of Resolution, May 30, 2002)

Case No. A-5740 is the application filed for variances to Sections 59-C-1.323(a) and 59-B-3.1 of the Zoning Ordinance to permit the construction of a covered porch.

Pursuant to the Board's Rules of Procedure, Section 9.2, entitled Extension of time for mailings, the Board adopted the following Resolution:

"BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that pursuant to the Rules of Procedure of the Board, and because additional time is required, the allowable time for a written decision on the above-entitled proceeding be, and the same hereby is extended."

The subject property is Lot 3, Block S, located at 2710 Spencer Road, Chevy Chase, Maryland, in the R-60 Zone (Tax Account No. 577063077).

On a motion by Allison Ishihara Fultz, seconded by Angelo M. Caputo, with Donna L. Barron, Louise L. Mayer and Donald H. Spence, Jr., Chairman, in agreement, the Board adopted the foregoing Resolution.

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Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

I do hereby certify that the foregoing  
Opinion was officially entered in the  
Opinion Book of the County Board of  
Appeals this 30th day of May, 2002.

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Katherine Freeman  
Executive Secretary to the Board

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(240) 777-6600

**Case No. A-5740**

**PETITION OF COLLIN CULLEN AND BRENDA CULLEN**

(Hearing held April 17, 2002)

**OPINION OF THE BOARD**

(Effective date of Opinion, June 14, 2002)

This proceeding is a petition pursuant to Section 59-A-4.11(b) of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1994, as amended) for a variance from Sections 59-C-1.323(a) and 59-B-3.1 of the Zoning Ordinance. The proposed construction of a covered porch requires a 3.30 foot variance as it is within twenty-one (21) feet of the established front building line. The established front building line is 24.30 feet.

The subject property is Lot 3, Block S, located at 2710 Spencer Road, Chevy Chase, Maryland, in the R-60 Zone (Tax Account No. 577063077).

Decision of the Board: Requested variance **denied**.

**EVIDENCE PRESENTED TO THE BOARD**

1. The petitioner proposes to construct a covered front porch.
2. The petitioner testified that the residence has recurring flooding and water damage due to the unusual topography of the property, i.e., the grade results in a significant amount of drainage toward the house. The petitioner testified that his civil engineer/contractor recommends adding a front porch as a cost-effective way to eliminate the property's drainage problem.
4. In response to questions from the Board about the grade of his property, the petitioner stated that he was "not sure it's different from those above [him]."

**FINDINGS OF THE BOARD**

Based on the petitioner's binding testimony and the evidence of record, the Board finds that the variance requested must be denied. The requested variance does not comply with the applicable standards set forth in Section 59-G-3.1(a) as follows:

- (a) *By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property.*

The Board finds that the petitioner's property has no exceptional topographical or other peculiar conditions not shared with the neighboring properties. Although the property has drainage issues, the dwelling sits on a flat topographical shelf similar to neighboring properties, as demonstrated in the petitioner's photographs (Exhibit Nos. 4(c)-4(e)). The Board finds that the drainage problems are ordinarily handled by a means other than the construction of a front porch.

The Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above be adopted as the Resolution required by law as its decision on the above entitled petition.

On a motion by Louise L. Mayer, seconded by Alison Ishihara Fultz, with Angelo M. Caputo, Donna L. Barron, and Donald H. Spence, Jr., Chairman, in agreement, the Board adopted the following Resolution.

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Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

I do hereby certify that the foregoing  
Opinion was officially entered in the  
Opinion Book of the County Board of  
Appeals this 14th day of June, 2002.

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Katherine Freeman  
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date of the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.